



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/185,248	11/03/98	EIDSON	M INTL-0136-US

TIMOTHY N TROP
TROP PRUNER HU & MILES
8554 KATY FREEWAY STE 100
HOUSTON TX 77024

WM51/1025

EXAMINER

ARMSTRONG, A

ART UNIT	PAPER NUMBER
----------	--------------

2641

DATE MAILED:

10/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/185,248

Applicant(s)

EIDSON ET AL.

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to the Office Action dated July 18, 2000, applicant has amended claim 14 and cancelled claims 17 and 18.

In consideration of applicant's amendment to claim 14, the rejection under 35 USC 112, second paragraph to claims 14 and 15 is hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Farhangi et al. (US Patent No. 5,647,008).

Regarding claims 1, 7-12, 14-16, 19, and 21 "receiving...audio data stream in a first perceptually based format....decoding first audio data stream...obtaining second audio data stream...combining the decoded audio stream with second audio data stream...receiving audio data stream encoded in the AC-3 format....receiving audio data stream encoded in the MPEG-2 format...receiving second audio data stream in a third perceptually based format...multimedia source....mixer...audio CODEC..." is taught by Farhangi et al. at Figure 2 and col. 3, lines 9-67 continuing to col. 4, lines 1-61.

Regarding claims 2-6, 13, and 20, "encoding the combined into second format...encoding the combined audio data stream into an AC-3 format...encoding the combined audio stream into an MPEG-2 format...transmitting the encoded combined audio stream.." is taught by Farhangi et al. at Figure 2, col. 3, lines 9-67 continuing to col. 4, lines 1-61, and col. 6, lines 54-67 continuing to col. 7, lines 1-21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farhangi et al. in view of Bestler et al. (US Patent No. 5,638,112).

Regarding claims 22 and 23, Farhangi et al. do not disclose "...first data stream comprises a video data stream" and "...compressed format comprises a MPEG format." However, refer to Bestler et al. who teach a system for processing television signals in an analog or digital format which receives signals (audio and video), decodes the signals and combines the signals for the purpose of achieving various desirable effects when processing television signals (abstract, col. 1, lines 34-67 continuing to col. 4, 1-32).

Therefore, to the extent that Farhangi et al. do not disclose the first data stream comprising a video stream, it would have been obvious to one of ordinary skill at the time of

invention to modify the system to also process video signals for the purpose of providing for the processing of television signals, as taught by Bestler et al.

Response to Arguments

Applicant's arguments filed August 4, 2000, have been fully considered but they are not persuasive.

In response to applicant's arguments that Farhangi does not disclose "combining an audio data stream "in a first perceptually based format" with a second audio data stream in a raw format.." Applicant is referred to col. 3, lines 9-67 continuing to col. 4, lines 1-61, and col. 6, lines 54-67 continuing to col. 7, lines 1-21, and Figure 2, elements 205-209 which are input sources of signals in perceptually based formats such as MPEG, elements 240, 242, 244, 246, and 248 which are deformaters for extracting raw data, elements 222, 203 and 204 which are input sources of signals in a raw data format, and element 277 which is a mixer for mixing the audio signals.

In response to applicant's arguments that Farhangi does not disclose combining the audio data, applicant is referred to col. 3, lines 9-67 continuing to col. 4, lines 1-61, and col. 6, lines 54-67 continuing to col. 7, lines 1-21, and Figure 2, elements 205-209 which are input sources of signals in perceptually based formats such as MPEG, elements 240, 242, 244, 246, and 248 which are deformaters for extracting raw data, elements 222, 203 and 204 which are input sources of signals in a raw data format, and element 277 which is a mixer for mixing the audio signals.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

As of October 2, 2000 the former Technology Center 2700 has been split into two centers (TC 2100 and TC 2600), and former Art Unit 2741 has been designated as **Art Unit 2641**, which new AU number should be used in all future correspondence


DAVID R. HUDSPETH
SUPERVISORY PATENT EXAMINER
GROUP 2700

AAA
October 23, 2000